



IPW

Attorney Docket No. 22644.00

Customer No. 37833

Confirmation No. 6026

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE *PATENT* APPLICATION OF:

APPLICANT : **DOROTHY L. WRIGHT *et al.***

APPL. NO. : **10/706,036**

ART UNIT : **3751**

FILED : **NOVEMBER 13, 2003**

EXAMINER: **LE, HUYEN D.**

TITLED : **DEEP SOAKING TUB AND SHOWER WITH SIDE ENTRY DOOR**

MAIL STOP RESPONSE
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In the Office Action dated December 29, 2004, the Examiner required restriction under 35 U.S.C. § 121 prior to an examination on the merits of the above-identified application. The separate inventions identified by the Examiner are as follows:

- I. Claims 1-6, drawn to a bathtub with a side entry door.
- II. Claims 7-16, drawn to a locking mechanism on a door.

The Examiner states that the inventions of Groups I and II are related as combination and subcombination. In order to establish that the separate inventions of Groups I and II are distinct, the

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Examiner asserts that the combination of Group I does not require the particulars of the subcombination for patentability, and that the subcombination of Group II has utility in combinations other than that of Group I.

In compliance with the Examiner's restriction requirement, Applicants provisionally elect with traverse for further prosecution the invention defined by Claims 1-6 (designated as Group "I").

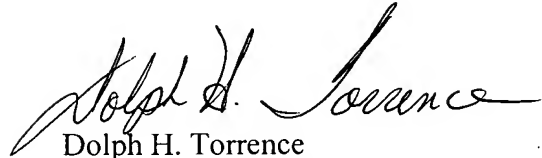
Notwithstanding the propriety of the restriction requirement for examination purposes, it should be pointed out that such a requirement is discretionary on the part of the Examiner. Further, it should be noted that Claims 7-13 depend directly or indirectly from Claim 1, and therefore do not stand in a combination/subcombination relationship as asserted by the Examiner. Also, the Examiner has failed to support his assertion that the locking device defined by Claims 14-16 has utility by itself or in other combinations, and therefore does not meet the criteria for distinctness as set forth in MPEP 806.05(c). Moreover, it would appear that a search and examination of the entire application can be conducted without a serious burden on the Office.

Therefore, it is respectfully requested that the Examiner withdraw the restriction requirement and issue an action on the merits of the claimed embodiments presently in the application. At the very least, the subject matter of Claims 7-13 should be retained with the Group I invention. Alternatively, should the Examiner maintain or modify the requirement, Applicants await a complete action on the merits of the elected subject matter.

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Respectfully submitted,

A handwritten signature in cursive script, reading "Dolph H. Torrence". The signature is written in dark ink and is positioned above the printed name.

Dolph H. Torrence
Registration No. 34,501
(703) 486-1000

DHT:RCL